

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
-----

UNITED STATES OF AMERICA

18-CR-126

-against-

**NOTICE OF MOTION**

TITUS THOMPSON,

Defendant.  
-----

**MOTION BY:**

Jason L. Schmidt, Esq.  
Attorney for Defendant

**DATE, TIME & PLACE:**

Before the Honorable Elizabeth  
Wolford, United States District Judge,  
Robert H. Jackson United States  
Courthouse, 2 Niagara Square,  
Buffalo, New York.

**SUPPORTING PAPERS:**

Affirmation of Jason L. Schmidt, Esq.  
dated December 14, 2020.

**RELIEF REQUESTED:**

(i) relieving Jason Schmidt, Esq. as  
counsel of record;  
(ii) determining Mr. Thompson's  
financial eligibility for assigned counsel;  
and (iii) if necessary, appointing new  
counsel for Mr. Thompson.

**DATED:**

December 14, 2020  
Fredonia, New York

\_\_\_\_\_  
/s/  
Jason Schmidt, Esq.  
63 Central Avenue  
Fredonia, New York 14063  
*Attorney for Defendant*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
-----

UNITED STATES OF AMERICA

18-CR-126

-against-

**AFFIRMATION**

TITUS THOMPSON,

Defendant.  
-----

**JASON L. SCHMIDT**, affirms under penalties of perjury:

1. I am counsel of record for Titus Thompson and make this motion for the purpose of being removed as counsel of record and assisting Mr. Thompson to obtain new counsel to complete the post-conviction process.

2. On November 4, 2020, I was elected Chautauqua County District Attorney, a full-time prosecutorial position which I will assume as of January 1<sup>st</sup>. Because I was retained by Mr. Thompson, he would typically retain new counsel to substitute in my place. However, Mr. Thompson may not have the financial means to retain new counsel and I am therefore concerned that he obtain replacement representation.

3. For this reason, I ask the Court to inquire of Mr. Thompson concerning his financial ability to retain new counsel and, if appropriate, have Mr. Thompson complete a financial affidavit in order to determine his eligibility for

either assigned counsel or representation through the Federal Public Defender's Office

3. For the foregoing reasons I respectfully request that the Court delay further post-conviction proceedings and grant this application in its entirety.

Dated: Fredonia, New York  
December 14, 2020

Respectfully submitted,

/s/

---

JASON L. SCHMIDT, ESQ.  
*Attorney for Roman Dunnigan*  
63 Central Avenue  
Fredonia, NY 14063  
*Phone 716.672.5800*  
*Fax 716. 672.5881*  
*jason@jlschmidt-law.com*